

109757US-2 REISSUE
0039-6348-2SRD REISSUE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION. OF: : GROUP UNIT: 2824
Tomoharu TANAKA, et al. :
SERIAL NO.: 09/134,897 : EXAMINER: TRAN, A.
FILED: March 17, 1998 :
FOR: MULTI-STATE EEPROM HAVING :
WRITE-VERIFY CONTROL
CIRCUIT

REISSUE DECLARATION UNDER 37 CFR §1.175

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

We, TOMOHARU TANAKA and GERTJAN HEMINK, declare that:

TOMOHARU TANAKA is a citizen of Japan and GERTJAN HEMINK is a citizen of The Netherlands and we have respective residence and post office addresses stated below next to our respective names.

We have reviewed and understand the contents of the specification, including the claims, of the above-identified reissue application.

We verily believe ourselves to be the original, first and sole inventors of the subject matter which is described and claimed in U.S. Letters Patent 5,570,315, granted October 29, 1996, and for which a reissue patent is sought on the invention entitled MULTI-STATE EEPROM HAVING WRITE-VERIFY CONTROL CIRCUIT, the specification of which was filed on August 17, 1998 as reissue application number 09/134,897.

The entire title to said U.S. Letters Patent 5,570,315 is vested in KABUSHIKI KAISHA TOSHIBA.

We have previously claimed and still claim foreign filing priority under Section 119 of Title 35 of the United States Code, based upon Japanese Patent Application No. 5-234767, filed September 21, 1993 and Japanese Patent Application No. 5-311732, filed December 13, 1993, and have also previously identified and currently identify any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR §1.56.

We believe that the original U.S. Letters Patent 5,570,315 is partly inoperative by reason of the patentee claiming less than he had a right to claim in the issued U.S. Letters Patent 5,570,315.

In particular, we believe that the issued Claims 1-119 are unduly narrow and limiting and as such fail to define a scope of patent protection to which we believe ourselves entitled. Examples of such unduly narrow and limiting scope are the detailed recitation in Claim 1 of the functionality of the plurality of programming control circuits, the detailed recitation in Claim 51 of the functionality of the plurality of data circuits, and the similar detailed limitations stated in other issued claims of U.S. Patent 5,570,315, in comparison with the broader recitation of the functionality of the plurality of data latch circuits stated in Claims 121.

All errors being corrected in the present reissue application up to the time of signing this Declaration arose without any deceptive intent on our part or on the part of the assignee.

We hereby revoke all prior powers of attorney and appoint Norman Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,913; C. Irvin McClelland, Reg. No. 21, 124; Gregory J. Maier, Reg. No. 25,599; Arthur I. Neustadt, Reg. No. 24,854; Richard D. Kelly, Reg. No. 27,757; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 28,870; Robert T. Pous, Reg. No. 29,099; Charles L. Gholz, Reg. No. 26,395; Jean-Paul Lavalleye, Reg. No. 31,451; Stephen G. Baxter, Reg. No. 32,884; Richard L. Treanor, Reg. No. 36,379; Steven P. Weihrouch, Reg. No. 32,829; and James J. Kulbaski, Reg. No. 34,648 as attorneys for patent owner, with full powers of substitution and revocation, to prosecute the above referenced request for reexamination and transact all business in the Patent and Trademark Office in connection with the above referenced patent. It is further requested that all correspondence regarding the above-referenced patent be sent to the firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. whose Post Office Address is:

1940 Duke Street
Alexandria, Virginia 22314

The undersigned declare further that all statements of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

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Reply to Communication of 02/23/05

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application of any patent issuing thereon.

Date: March 16, 2005

X: 
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